

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Modak *et al.* Assignee : The Trustees of Columbia University in the City of New York

Appln. No.: 10/600,257 Examiner : Azpuru, Carlos A.

Filed : June 20, 2003 Group Art Unit: 1615

For : ANTIMICROBIAL MEDICAL DEVICES

TERMINAL DISCLAIMER

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 21, 2005

Date of Deposit

Peter J. Shen

Attorney Name


Signature

52,217

PTO Registration No.

March 21, 2005

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, the Trustees of Columbia University in the City of New York (“Assignee”), of 100% interest in the above-captioned application by virtue of an assignment which is recorded in the United States Patent and Trademark Office at Reel No. 014252, Frame No. 0863-0866, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened

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by any terminal disclaimer, of commonly owned prior 1) U.S. Patent No. 6,706,024 issued on March 16, 2004 and 2) co-pending U.S. Patent Application No. 09/746,670. Assignee hereby agrees that any patent so granted on the above captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. U.S. Patent No. 6,706,024 and co-pending Application No. 09/746,670. The Assignee further agrees that this agreement is to run with any patent granted on the above captioned application and is to be binding upon the grantee, its successors, and assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above captioned application prior to the expiration date of the full statutory term of U.S. Patent No. 6,706,024 and co-pending Application No. 09/746,670 in the event that said patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under C.F.R. 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned is an attorney of record and with the authority to execute this Terminal Disclaimer on behalf of the Assignee.

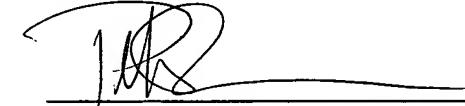
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information on belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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The Terminal Disclaimer fee under 37 C.F.R. §1.20(d) is enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



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Date: March 21, 2005